

June 13, 1996

WHS 96-4

TO: COUNTY AGRICULTURAL COMMISSIONERS

SUBJECT: CLEAN UP OF REFERENCE TO RESTRICTED
HERBICIDES

The Office of Administrative Law (OAL) approved on April 5, 1996, a nonsubstantive regulation change under what is known as "Rule 100". Rule 100 provides for an abbreviated adoption procedure for "changes without regulatory impact" such as, organization, format, or numbering.

OAL approved changes in sections 6460 and 6464 which replaced references to a subsection of the restricted materials list that no longer exists with the names of the specific pesticides. It also deleted language relating to limitations on where high volatile ester forms of certain herbicides could be used, because these active ingredients are no longer registered as herbicides in California. A copy of the changes is attached.

These approved changes will be incorporated into the Department's published version of the regulations at the next revision.

Since this request was filed with the OAL, some additional obsolete references have been identified in sections 6568, 6622, and 6624. These will be scheduled for similar clean up action as soon as possible.

We are also exploring ways to consider returning plant growth regulator uses of phenoxy compounds to their former nonrestricted status.

COUNTY AGRICULTURAL COMMISSIONERS

June 13, 1996

Page Two

Any questions about this action should be addressed to Roy Rutz, Program Supervisor, Worker Health and Safety Branch, at (916) 445-4279.

Sincerely,

[Original signed by John M. Donahue]

John M. Donahue, Chief
Worker Health and Safety Branch
(916) 445-4222

Attachment

cc: Daniel J. Merkley

Titles 3 and 26
California Code of Regulations
Chapter 6. Pesticides and Pest Control Operations
Proposed Changes Without Regulatory Effect
Pertaining to
Restricted Herbicides

Amend the introductory sentence of section 6460 as follows:
6460. Drift Control.

Unless expressly authorized by permit issued pursuant to section 6412, no liquid Dicamba, 2,4-dichlorophenoxyacetic acid, 2,4-dichlorophenoxybutric acid, 2,4-dichlorophenoxypropionic acid, 2-methyl-4-chlorophenoxyacetic acid, or Propanil herbicide specified in subsection (m) of section 6400 shall be:

Note: Authority cited: Sections 407, 12781, 14001, and 14102, Food and Agricultural Code. Reference: Section 14006, Food and Agricultural Code.

Amend section 6464 as follows:

6464. Phenoxy and Certain Other Herbicides.

(a) ~~(1) Herbicides specified in Section 6400 (m) may be possessed or used in highly volatile liquid form such as methyl, ethyl, propyl (isopropyl) butyl, or amyl (pentyl) esters only:~~

~~(A) Within Lassen County~~

~~(B) Within Plumas County~~

~~(C) Within Sierra County~~

~~(D) Within that area in San Luis Obispo County bounded by a line beginning at the northeast corner of Township 25 south, Range 16 east; thence west and northwesterly along the San Luis Obispo County-Santa Barbara County boundary line to the west line of Township 2 south, Range 18 east; thence north along the west line of Township 32 south, Range 18 east to northwest corner of this Township; thence along the divide of La Panza Range, that is along an approximately straight line drawn through Branch Mountain Lookout Station and Black Mountain Lookout Station, to the northwest corner of Township 29 south, Range 15 east; thence west along the north line of Township 29 south, Range 14 east to west line of Township 28 south, Range 14 east; thence along the west line of Township 28 south, Range 14 east and Township 27 south, Range 14 east to southwest corner of Township 26 south, Range 14 east, thence west along the south line of Township 26 south, Range 13 east to southwest corner of said Township thence north along the west line of Township 26 south, Range 13 east to the southeast corner of Section 13, Township 26 south, Range 12 east; thence west along the south line of said Section 13 to west line of Section 13,~~

~~Township 26 south, Range 12 east thence north along the west line of Sections 13 and 12, Township 26 south, Range 12 east to north line of Section 13 and 12, Township 26 south Range 12 east; thence east along the north line of said Section 12 to west line of Township 26 south, Range 13 east; thence north along the west line of Township 26 south, Range 13 east and Township 25 south, Range 13 east to the Monterey County line; thence east along the San Luis Obispo County-Monterey County boundary line to point of beginning.~~

~~(2) Such herbicides shall be delivered in unopened returnable containers to a point within the area previously described.~~

~~(3) Equipment used for applying such herbicides shall not be moved outside said area while carrying such herbicides either in concentrated or dilute form.~~

~~(4) The permit holder shall return emptied containers of such herbicides to the registrant or to his agent with all closures secure. The registrant shall be responsible for disposal of such containers.~~

~~(b) The provisions of this subsection apply to Dicamba, 2,4-dichlorophenoxyacetic acid, 2,4-dichlorophenoxybutric acid, 2,4-dichlorophenoxypropionic acid, 2-methyl-4-chlorophenoxyacetic acid, and Propanil herbicides specified in subsection (m) of Section 6400 when used in the Central Valley below one thousand feet elevation during the period beginning March 16 and continuing through October 15 of each calendar year. The boundary of this area through the Sacramento-San Joaquin Delta where the elevation does not reach 1,000 feet is as follows: Commencing from the point where Bailey Road intersects 1,000 feet elevation in Contra Costa County, thence north along Bailey Road to its intersection with Highway 4, thence west along Highway 4 or its intersection with Highway 680, thence north along Highway 680 to its intersection with Highway 80, thence northeast along Highway 80 to its intersection with Highway 505, thence north along Highway 505 to its intersection with the Solano-Yolo County line, thence west along the Solano-Yolo County line to its intersection with 1,000 feet elevation.~~

~~(1) A smoke column or other device satisfactory to the commissioner shall be employed at the time and place of air applications to indicate to the pilot of the aircraft temperature inversions and the direction and velocity of the air flow; and~~

~~(2) Unless expressly authorized by permit no herbicide in an ester form shall be applied.~~

~~(e) (b) The requirements of this subsection apply to Dicamba, 2,4-dichlorophenoxyacetic acid, 2,4-~~

dichlorophenoxybutric acid, 2,4-dichlorophenoxypropionic acid, 2-methyl-4-chlorophenoxyacetic acid, and Propanil herbicides specified in subsection (m) of Section 6400 during the period beginning March 16 and continuing through October 15 of each calendar year when used in the following areas:

(1) That portion of Sacramento County bounded by a line beginning at the junction of the Mokelumne River and Georgianna Slough; thence in a northerly direction following the meanderings of the Georgianna Slough to its junction with the Sacramento River near Walnut Grove; thence northwesterly along the Sacramento River to the junction of the north end of Randall Island and the north end of Snodgrass Slough; thence southeasterly along Snodgrass Slough to a point 1.0 miles due north of Lambert Road (first Standard Parallel north) which is the common boundary line between Section 27 and 34, T6N-R4E; thence due east along said line to its intersection with the Southern Pacific Railroad tracks; thence southerly along the Southern Pacific Railroad tracks to its intersection with Lambert Road (first Standard Parallel north); thence easterly along Lambert Road to its intersection with Franklin Boulevard, then southerly along Franklin Boulevard to its intersection with Twin Cities Road; thence easterly along Twin Cities Road to its intersection with the Southern Pacific Railroad Tracks (Amador Branch); thence northeasterly along said tracks to their intersection with the first Standard Parallel north; thence easterly along the first Standard Parallel north to its intersection with the Sacramento-Amador County line; thence southerly along the Sacramento-Amador County line to its junction with the Sacramento-Amador-San Joaquin County lines; thence westerly along the Sacramento-San Joaquin County line to the point of beginning.

(2) All of Madera County west and south of a line beginning at the east boundary of Range 17 east and the Madera County-Merced County boundary line, thence south to the northwest corner of Section 30, Township 9 South, Range 18 east, thence east to the northeast corner of Section 28, Township 9 south, Range 18 east, thence south to the intersection of the Madera Canal in the northeast 1/4 of Section 9, Township 10 south, Range 18 east, thence southeasterly along the Madera Canal to the northeast corner of Section 1, Township 11 south, Range 19 east, thence east along the north boundary line of Township 11 south, to the Madera County-Fresno County boundary line.

(3) All of Fresno County lying west of a line beginning at Friant Dam and continuing southeasterly along the Friant-Kern Canal its point of intersection with the north boundary of Section 29, Township 13 south, Range 23 east, thence due east along said boundary line projected to its

intersection with the east boundary of Township 13 south, Range 24 east; then south along said east boundary of Township 13 south, Range 24 east and continuing south along the east boundary of Township 14 south, Range 24 east to the county boundary line.

(4) All of Kings County.

(5) All of Tulare County lying west of a line drawn southeasterly from the northwest corner of Township 15 south, Range 25 east on the Fresno-Tulare County line to the southeast corner of Township 17 south, Range 27 east; thence due south along said east boundary of Range 27 east to the Kern County boundary line.

(6) Those portions of Kern County described as follows: (A) All of Kern County lying west of a line commencing at a point on Tulare-Kern County line at the northwest corner of Section 6, Township 25 south, Range 31 east; thence south along the west boundary of Range 31 east to the south boundary of Township 32 south, Range 31 east; thence continuing due south to the Los Angeles County line. (B) Rosamond Area. Includes all of Township 9 north, Range 14 west, Township 9 north, Range 13 west, and Township 9 north, and Range 12 west.

(7) A permit authorizing use shall show the application site(s) for which it is valid, except that a permit need not show the application site(s) if a notice of intent to apply pesticide is required to be filed previous to any application. The commissioner may require that any application be made only under his direct supervision.

(8) No application shall be made on any area situated within two miles of any cultivated commercial vineyard or cotton planting belonging to any person other than the owner of the property being treated unless there is a continuous air flow away from such planting, but in no case shall any application be made within one-half mile of such plantings.

(9) No application shall be made by aircraft, nor shall aircraft be loaded except as follows:

(A) Within Sacramento County.

(B) During the period beginning March 16 and continuing through March 31 within the counties of Fresno, Kern, Kings, and Tulare.

(10) The provisions of paragraphs (8) and (9) ~~of subsection (e)~~ shall not apply to Dicamba or Propanil herbicides specified in paragraphs (7) and (9) of subsection (m) of Section 6400, and in addition, the provisions of paragraph (8) of subsection (c) shall not apply to herbicide specified in paragraph (8) of subsection (m) of Section 6400.

~~(d)~~ (c) The provisions of this subsection apply to Dicamba, 2,4-dichlorophenoxyacetic acid, 2,4-dichlorophenoxybutric acid, 2,4-dichlorophenoxypropionic acid, 2-methyl-4-

chlorophenoxyacetic acid, or Propanil herbicides specified in ~~Section 6400(m)~~ during the period beginning March 16 and continuing through October 15 of each calendar year when used in that portion of San Joaquin County bounded by a line beginning at the intersection of Sacramento, San Joaquin and Amador Counties; thence southerly along the San Joaquin County line to State Highway 88; thence southwesterly along Highway 88 to its intersection with State Highway 12; thence westerly along Highway 12 and 88 to the intersection of Clements Road to its intersection with an imaginary easterly extension of Eight Mile Road from its junction with the Calaveras River; thence west along this extension to Eight Mile Road; then west along Eight Mile Road to Thornton Road; thence south on Thornton Road to its intersection with Disappointment Slough; thence westerly along Disappointment Slough to the southeast corner of Bishop Tract; thence westerly along the southern edges of Bishop Tract, King Island, and Empire Tract; thence northerly along the west edge of Empire Tract to the southeast corner of Bouldin Island; thence along the southern and western edges of Bouldin Island to the intersection of San Joaquin, Contra Costa, and Sacramento Counties; thence northerly and easterly along the San Joaquin-Sacramento County line to the point of beginning.

(1) No application shall be made when wind velocity is less than 2 miles per hour or greater than 7 miles per hour.

(2) No herbicide in an ester form shall be applied.

(3) A permit authorizing use shall show the application site(s) for which it is valid, except that a permit need not show the application site(s) if a notice of intent to apply pesticides is required to be filed previous to any application.

(4) No application shall be made on any area situated within two miles of any cultivated commercial vineyard belonging to any person other than the owner of the property being treated; that existed prior to May 1, 1978.

(5) No application shall be made by aircraft; nor shall aircraft be loaded except as follows:

(A) Within that portion of San Joaquin County described as the entire areas of Empire Tract, King Island, Bishop Tract, and Rio Blanco Tract, the eastern boundary line of which begins on Atherton Levee Road at the confluence of Disappointment Slough and the dredger cut, located approximately one-half mile west of Interstate Highway 5 Pixley Slough Bridge 29-200 L; and thence running northerly along the State of California borrow pit to its meeting with the easterly end of White Slough subject to the following restrictions:

1. The commissioner may require that all applications be made under the direct supervision of the commissioner's representative.

(B) Within the entire area of Staten Island and Bouldin Island subject to the following restrictions:

1. The commissioner may require that all applications be made under the direct supervision of the commissioner's representative.

2. A drift reducing agent shall be added to the spray mixture.

3. Only one aircraft shall spray at a given time on each of the two islands.

(6) The provisions of subsections (4) and (5) shall not apply to Propanil herbicides specified in ~~6400(m)(9)~~ and the ~~provisions of subsection (4)~~ shall not apply to herbicides specified in ~~6400(m)(8)~~.

NOTE: Authority cited: Sections ~~407~~, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006, and 14102, Food and Agricultural Code.

d/roy/rule100.doc

as approved by OAL on 4/3/96